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Attorneys for Plaintiff and the Putative Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LATOYA HONEY WALKER, on behalf of herself and all others similarly situated,

Plaintiff,

VS.

NURSEFINDERS, LLC,

Defendant.

| Case No.: 22-cv-04084-AGT

**STIPULATION AND [PROPOSED]
ORDER TO FILE SECOND AMENDED
COMPLAINT**

Judge: Hon. Alex G. Tse
Complaint Filed: July 12, 2022
Trial Date: None Set

1 Plaintiff LaToya Honey Walker (“Plaintiff”) and Defendant Nursefinders, LLC
 2 (“Defendant”) (collectively, the “Parties”), by and through their attorneys of record, hereby
 3 stipulate as follows:

4 1. WHEREAS, on July 12, 2022, Plaintiff initiated this action (the “Action”), asserting
 5 wage and hour claims under California law on behalf of a putative California Class against
 6 Nursefinders, LLC and AMN Services, LLC, ECF No. 1;

7 2. WHEREAS, on November 17, 2022, Plaintiff filed a first amended complaint, ECF
 8 No. 25;

9 3. WHEREAS, on December 1, 2022, Nursefinders, LLC and AMN Services, LLC filed
 10 their respective answers to Plaintiff’s first amended complaint, ECF Nos. 26-27;

11 4. WHEREAS, on February 3, 2023, the Parties stipulated to dismiss AMN Services,
 12 LLC, from the case, ECF No. 31;

13 5. WHEREAS, on September 8, 2023, the Parties participated in a mediation with
 14 experienced wage and hour class action mediator, Steve Pearl, in an attempt to informally resolve
 15 the case, but the Parties did not reach a settlement at that time;

16 6. WHEREAS on September 26, 2023, the Parties agreed to a mediator’s proposal
 17 outlining the substantive terms of a settlement, subject to the Court’s approval;

18 7. WHEREAS, the Parties are in the process of drafting and finalizing a long-form
 19 version of the settlement;

20 8. WHEREAS, pursuant to the Parties’ agreement in principle to settle the above-
 21 captioned action, the Parties agreed that Plaintiff would file a stipulation in this Action (that
 22 Defendant would not oppose) for an order granting Plaintiff leave to amend the operative complaint
 23 to assert claims for penalties under California Private Attorneys General Act (“PAGA”) § 2699
 24 arising from Defendant’s alleged violations of the California Labor Code, to facilitate the settlement
 25 of this Action;

26 9. WHEREAS, Defendant has consented to Plaintiff amending the First Amended
 27 Complaint to include claims asserted under the PAGA to be released as part of the settlement, and

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1 minor typographical corrections to the caption and throughout the First Amended Complaint;

2 10. WHEREAS, the proposed Second Amended Complaint, a true and correct copy of
3 which is attached hereto as **Exhibit 1**,¹ adds claims for penalties under California Private Attorneys
4 General Act (“PAGA”) § 2699 arising from Defendant’s alleged violations of the California Labor
5 Code;

6 11. WHEREAS, as part of the agreement in principle to settle the above-captioned action,
7 Plaintiff is also sending a letter to the California Labor Workforce Development Agency
8 (“LWDA”) asserting additional PAGA claims that will be released as part of the settlement. Such
9 claims may be considered as not ripe until the LWDA has declined, within a statutory period, to
10 respond to the claims. However, the Parties have agreed that the Second Amended Complaint shall
11 assert such claims in anticipation that the LWDA will decline to respond, and the amendment to
12 add such claims shall be deemed effective when that statutory period has expired; and

13 12. WHEREAS, the Parties have agreed that Defendant’s deadline to respond to the
14 Complaint in the Action will be stayed pending the Court’s order on Plaintiff’s motion for
15 preliminary approval of the settlement.

16
17 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** that:

- 18 (a) Plaintiff should be granted leave to file her Second Amended Complaint, a true and
19 correct copy of which is attached hereto as **Exhibit 1**;
20 (b) Defendant’s deadline to file a responsive pleading shall be stayed pending the Court’s
21 order on Plaintiff’s motion for preliminary approval of the settlement;
22 (c) The PAGA claims added to the Second Amended Complaint shall be deemed added
23 and effective upon expiration of the statutory periods for the LWDA to respond to the
24 supplemental PAGA letter; and

25
26
27 ¹ Attached hereto is also Exhibit 2, which shows the modifications of the First Amended Complaint
28 compared to the initial Complaint in redline format.

(d) In the event the Court denies Plaintiff's motion for preliminary or final approval of the settlement, Defendant's deadline to file their responsive pleading shall be 3 weeks following the Court's order denying Plaintiff's motion for preliminary or final approval of the settlement.

IT IS SO STIPULATED.

Dated: November 6, 2023

By: /s/ Michelle S. Lim

Carolyn H. Cottrell
Ori Edelstein
Michelle S. Lim
SCHNEIDER WALLACE
COTTRELL KONECKY LLP

Attorneys for Plaintiff and the putative Class

Dated: November 6, 2023

By: /s/ Nancy Sotomayor

Sarah Kroll-Rosenbaum
Anthony D. Sbardellati
Nancy Sotomayor
AKERMAN LLP

Attorneys for Defendant Nursefinders, LLC

1 **[PROPOSED] ORDER**

2 Plaintiff LaToya Honey Walker (“Plaintiff”) and Defendant Nursefinders LLC
3 (“Defendant”) have stipulated that Plaintiff may file her Second Amended Complaint. Having
4 considered the Parties’ stipulation, and for good cause shown, the Parties’ Stipulation permitting
5 Plaintiff to file a Second Amended Complaint is **GRANTED**.

6 Plaintiff shall file the Second Amended Complaint within seven (7) days of this order, and
7 the deadline for Defendant to file its responsive pleading shall be stayed pending the Court’s order
8 on Plaintiff’s motion for preliminary approval of the settlement. The PAGA claims added to the
9 Second Amended Complaint shall be deemed added and effective upon expiration of the statutory
10 period for the LWDA to respond to the supplemental PAGA letter; and in the event the Court denies
11 Plaintiff’s motion for preliminary or final approval of the settlement, Defendant’s deadline to file
12 their responsive pleading shall be 3 weeks following the Court’s order denying Plaintiff’s motion
13 for preliminary or final approval of the settlement.

14
15 **IT IS SO ORDERED.**

16 Dated: November 8, 2023



17 HON. ALEX G. TSE
18 MAGISTRATE JUDGE OF THE DISTRICT COURT